

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

6

TITLE OF CASE

ATTORNEYS

COMBUSTION ENGINEERING, INC.

vs

SAND SPRINGS RAILWAY COMPANY,

For plaintiff:

Carl D. Hall, Jr. ^{CV 28815}
 905 National Bank of Tulsa, Building
 Tulsa, Oklahoma 74103

For defendant:

E.J. Doerner
 Wm. Anderson
 Doerner, Stuart, Moreland, Saunders
 and Daniel
 Atlas Bldg., Tulsa

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 4-1-69

Clerk

3-24-69 Hall
 3-27-69 C/D 41

15 00

15 00

J.S. 6 mailed 6-1-69

Marshal

Basis of Action Safe & adequate
 car service as required
 by 49 USC 1 (11) and
 Preliminary injunction.
 Action arose at: Tulsa

Docket fee
 Witness fees
 Depositions

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 3-24-69 | Complaint, filed and summons issued. js | |
| 3-24-69 | Motion For Preliminary Injunction, filed. js | |
| 3-24-69 | Brief in Support of Plaintiff's Motion for Preliminary Injunction, filed. js | |
| 3-25-69 | Return on service of summons filed. Executed by serving Sand Springs Railway Co. by serving P.E. Estill personally at Service Agent for Said Railway Co. at Sand Springs, Okla. on 3-25-69. h(\$5.40)h | |
| 3-26-69 | Hearing on Temporary Restraining Order held. TRO against defendant Sand Springs Railway Co. signed and filed in open court. Court allows Cash bond in the amount of \$5,000.(AEB-J)h | |
| 3-26-69 | Temporary Restraining Order filed. It is ordered that on motion of Plaintiff it is ordered that defendant is hereby restrained until April 5, 1969 from/expeditiously transporting and delivering to connecting rail carriers certain rail cars, and refusing to furnish transport to connecting rail carriers, and further ordered that this order shall take effect upon posting of security by Plaintiff in accordance with Rule 65(c) of Fed. Rules of Civil Procedure in the sum of \$5,000.(AEB-J)h | |
| 3-26-69 | Undertaking for Temporary Restraining Order in amount of \$5,000 filed. Principal Combustion Engineering, Inc. and Surety- | |
| 4-3-69 | Temporary Restraining Order, returned and filed: served Sand Springs Ry. Co. by serving Phillip Etens, Yardmaster; Loyd Elder, Switchman, W. O. Rhodes, Switchman & F. S. Bendler, Engineer, at 3300 Block Charles Page Blvd., Tulsa, Oklahoma at 3:25 p.m. on 3-26-69. (USM \$12.72)g | |
| 4-4-69 | Extension of temporary restraining order, to April 15, 1969, filed. (Allen E. Barrow - Judge) b | |
| 4-14-69 | Defendant's motion for enlargement of time, filed. | |
| 4-14-69 | Order enlarging time within which defendant, Sand Springs Railway Company, may answer, filed. Granted by Clerk of Court. ds | |
| 4-15-69 | Extension of temporary restraining order to 4-30-69, filed. (AEB-J) ds | |
| 4-18-69 | Stipulation, filed. g | |
| 4-22-69 | Case set for hearing on Monday, April 28, 1969 at 10:30 A.M.(AEB-J)h | |
| 4-28-69 | Hearing held on application of Plaintiff for Preliminary Injunction. Court orders that hearing to be continued in 2 days, or Wed. 4-30-69 at 10:30 A.M. pending negotiation between defendant and Union; testimony to be completed at that time. (Allen E. Barrow-Judge)h | |
| 4-28-69 | Return on service of Extension of Temporary Restraining Order filed. Executed by serving Sand Springs Railway Co. by serving Phillip Etens, Yardmaster and W.L. Burch, Switchman employees, at Tulsa, Oklahoma, on 4-22-69. (USM\$6.00)h | |
| 4-28-69 | Return on service of Extension of TRO filed. Executed by serving F.S. Bendler, Engineer and Loyd Elder, Switchman, employees of Sand Springs Railway Co. at Tulsa, Oklahoma on 4-22-69. h(USM\$6.00) | |
| 4-29-69 | Answer of the defendant filed. h | |
| 4-30-69 | Hearing stricken from docket of this date and passed to Friday, May 2, 1969 at 10:30 A.M.(AEB-J)h | |
| 5-2-69 | Hearing stricken from docket of this date and passed to Monday, May 5, 1969 at 11:00 A.M (AEB-J)h | |
| 5-5-69 | Hearing stricken from docket of this date pending settlement.(AEB-J)h | |
| 5-19-69 | Plaintiff's motion to dismiss, filed. ds | |
| 5-20-69 | Order allowing dismissal without prejudice and authorizing disbursement of cash bond, filed and entered. (AEB-J) ds <i>copies mailed to attys</i> | |